

HB 821 -- LANDS ACQUIRED THROUGH SETTLEMENTS

SPONSOR: Ross

COMMITTEE ACTION: Voted "Do Pass" by the Special Committee on Government Oversight by a vote of 8 to 4 with 1 present.

This bill creates the "Land Reclamation Legal Settlement Commission," which is composed of four members from three regional planning commissions. The commission's purpose is to develop and implement a plan for primary restoration projects for areas affected by lead mining in southeast Missouri. The plan must be submitted to the chair of the House of Representatives Committee on Budget and the chair of the Senate Appropriations Committee by February 2, 2018.

The Department of Natural Resources and all other state departments, agencies, or entities must sell at public auction any property interest to land purchased on or before August 28, 2017, through legal settlement funds administered by the Department of Natural Resources. If there is no purchaser, the property will revert to the ownership of county government in which the land is located. Any condition, restrictions, dedication, covenant, or other encumbrance conveyed with the property is null and void and a new covenant appurtenant is included in the land conveyance stating that the land cannot be sold to, leased, or otherwise controlled by a state or federal agency. The proceeds of the sale of the property will be used to implement the commission's plan for primary restoration projects.

After August 28, 2017, the bill also prohibits the department and all other state departments, agencies, or entities from purchasing property interest using the settlement funds. Any taxpayer in the state has standing to enforce these requirements and will be entitled to reasonable attorney's fees.

This section expires on August 28, 2018.

The bill contains an emergency clause.

This bill is similar to HB 553 (2017) and SCS HB 2187 (2016).

PROPONENTS: Supporters say that environmental settlement funds were misused by Governor Jay Nixon to acquire new lands for state parks and to rename one such park in his honor. The settlement funds should be used for lead abatement and the rehabilitation of lands damaged by mining. When the Department of Conservation acquires new lands, it often decreases the value of such property to the county by reducing property taxes and, in this instance,

replacing an operating cattle ranch. The process of land acquisition was done in secret without voter approval or the notification and consent of county officials.

Testifying for the bill were Representative Ross; Patrick Ledgerwood, Oregon County; Mike Dethrow; Jon Hollis, Oregon County; Jason Kemper, Oregon County; and Missouri Cattlemen's Association.

OPPONENTS: Those who oppose the bill say that most voters approve of new state parks and that seeking to divest lands already purchased at this point could result in substantial monetary losses to the state. The desire to attain these properties for parks is part of a long term plan by the Missouri Department of Conservation which predates the last administration.

Testifying against the bill was Susan Flader, Missouri Parks and Missouri Conservation & Environmental Alliance.

OTHERS: Others testifying on the bill say the Missouri Department of Natural Resources is under new administration and seeking to clarify the transactions and legal contracts entered into under the prior administration. It is likely that legal covenants currently prevent the department from divesting land purchases of its own volition. It is possible that statutory authorization could allow the department to sell this land.

Testifying on the bill was the Missouri Department of Natural Resources.